THE INSANITY PLEA RIDICULED.

Gentlemen of the jury, it seems to me that the first consideration to which your minds should be properly addressed is as to the state of the primmer's mind at the time this deed was committed. For our law, ever humane, says that a person who is insine shall not be enished for any act he may commit while in that state of mind. It punishes only those who are in the full possession of their mental faculties, and if there is any vidence which leads you to believe that this young man was insone you should acquit him. But what is the insanity which the law speaks of ! It is not that which springs from any feeling of evil, haired, gevenge, or nation, which may sud leuly overmaster the reason; for to the case you can see that that plen could be I suppose no man ever commits any deadly crime when he is not so excited by passion that he loses a calm control over all his mozions. A law sanctioned by Scripture, sanctioned by all numan law, requires men to restrain their passions, and it makes no excuse for him who maddens his brain with Our low says that no man shall be excused from feet of reeson, arising from a disease of the mind, he sail to meable to distinguish the character and the public of the act he commits and knows not at the time that he is arong. Judged by they standard, is it necessery for the to pause a moment upon this question ! conscions of the character and quality of this acwhich this prisoner committed? Why the counse through his whole address impressed upon you the fact the prisoner knew be was amenable to the law for it; and his first act after he had committed it was to surrender himself to the offispirst be proved, and the Court can tell you, and your onse and every-day experience can tell you to proof that this young man was unconscious of the character and of the quality of his set in every They have not got so for even as to prove that he had emissay, much less insanity arising therefrom, at the time this set occurred. This was to grant that be was in the exercise of perfect consciousness of what he was done, and to prove it as a fact, an hour afterward the prisoner had a perfect recollection of what he had done, and even days afterward he was able to make a statement of the act he had committed. Way, gentle nen, it would be an insult to your common sense if I should looger consider this question. The only possible ground upon which the defense is founded is the conduct of the father and its effect upon the son. I shall show you by and by that these letters, outrageous, disgusting, and brotal as they are, never produced any thrill of fear in the breast of any one of this family.

THÉEATS LIGHT AS AIR. We must consider as briefly as we may the circumstances surrounding this case-the killing, the principal neident of this crime, about which there is no question that no possible dispute. On that June morning Mansheld F. Walworth came to his death by pistol shots from postol in the hands of his son. Then we must cons he purpose that existed in the mind of this young man the purpose that existed in the mind of this young in at the true this deed was done. Who was the decease, you have beard his history and his character from t his of comiscl. As I have had occasion to say belo difficult the progress of this true, it is no part of toy dug standing here to duy, to defend this man; he is not up-true here. Your duty is not to pass upon him, and up-ing there deceases no dusy to discuss his character or h fame that was to crown his efforts. Unimppy and discontented, as too many men on, he vented his bitterness
and selects on the head of his wife. He was undoubtedly
brital to her; and yet, O think, no man is wholly,
whostly had. I have never yet, thank God, read of any
man who was wholly and in all respects had. You have
head something of this man after his family had left
him; you have been told by wirnesses that he was a
kindry, centle, loving man. Why, gentlemen, it must
have been so! There must have been senething in
his nature which could attract at thines, for this
lare, whose character was so justly portrayed
before you by the counsel yesterday, must have found
sometizing in him to love when she gave her young body, whose character was so justey portrayed before you by the counsel yesterday, must have found sometains in him to love when she save her young leart to him. For his abuse of her there is no apology and no excuse. I stand here not for one moment to make any; but, geniemen, it is perfectly manifest that his character was perfectly approbanted and understood by those who knew him best. Teaming with threats, as his letters were, you will find that everything which he denounced and against which he threatened the most dire yengesane, was done by this family, and yet to violence followed no one was afraid, no danger was appealended; and without taking the sightest molece of these threats, his wrie does had what she clinks right. He was to have exterminated the whole handly, and the name was to be collected for yet in a sea of bood; yet this woman passed firmly on to the execution of her purpose, confident, as there is proof, that these threats were empty as air. To another, nor an immediate member of his family, a distant relative, be threatens dire vengeance, if certain stipulations which he trakes are not carried out. No notice was taken of the farnets, and noting ever fellowed.

part should remain unbroken any longer. In that condition of mind be pours out this passionate letter, closing with a wild, unmeaning threat. This was not the first time that the same threat had been uthered and disregarded by the whole family; nor was thus by any means so brutal and disgusting a letter as those that had been received before. What was the effect that it would naturally produce upon this young man! Why, the very first sentiment of his heart would have been, "Why here is this father who has been the pain of my existence through life now turning up again. He is constantly vexing and annoying me, and I won't submit to it any longer; I will put an end to it." And be contemplated that on the Saturday and Sunday preceding the Tuesday on which the crime was committed. What wonder thathe was moody; what wonder that he was abstracted? And on Sunday he sits down and writes a letter to his uncle. My learned friend said very little yesterday about that letter, but it seems to me as reflecting on the condition of the young man's mind at the time and upon the whole of this tragedy, and that that letter is of the highest importance. (The District Attorney here read the letter, laying a particular emphasis on the last sentence, which reads. "I will be heartly sorry if I shall have caused you my trouble or expense.") Now, what person can read that letter and by any possibitily not see that it foreshadows a result contemplated, as eminently probable! I do not stand here to tastst that from the first moment of the receipt of that letter the prisoner had the purpose to kill his father in his bears. That would be neither human, natural, nor possible. But I do say that the inevitable result as it though did. It can have no other meaning; but if you have any doubt, I impiore you to kive him the benefit of it.

PREPARING FOR THE DEID.

PREPARING FOR THE DEED. ceded through the day to complete his arrangements for going to New-York; he made arrangements for the money, and the next morning he makes his final preparations for the journey. And how does he prepare himself! It does not appear from the evidence in the cause, and there is no intimation from any source, that he took any baggage, or that he provided himself with even those ordinary articles which it is customary for people to take with them, even when they expect to for people to take with them, even when they expect to remain away from home only one night. But one thing which he does not forcet to take is this ishows pixtol, with which Mr. Walworth was shot], and that is the only preparation which he does make. Not that he was accustomed to earry it, not that it was the constant companion of his walks and his journeys, for he is not in the hisbit of carrying it; but the only thing which he takes with him on that fatal morning is that deadly revolver. He was hopeful of making a schilement, my learned friend said. Was it to be hoped that from this father, whom he had been taught to consider his most deadly loo, he, the fearless boy with nothing but a pixtol, was to obtain an assurance of family peace? Onligenmen, there is nothing to indicate, from first to last, throughout the whole of this transaction, that anything like an annicable settlement was intended. But it was to be compelled, and compolied at the mouth of the pistol. He arrives here. While I care very little about anything which is not connected with the discussion of this case, for one instant I must allude to what seems to me to be an unjustifiable proceeding on the part of the defense. Why, it would seem from what the learned gentleman said yesterday that the officers of the law aro hunting this family down. Well, I don't know whether my learned friend intended to include me or not. I have certainly vanity court to believe that he does not intend to place me among the "demons of the law," as he calls them. I am conscious of having hunted mobody, but I do stand here to discharge my duty in this transaction to the best of my ability, to ascertain the truth, if it can be ascertained, and to call upon you when you shall have ascertained it to declare it. No advantage has been sought in the remain away from home only one night. But one thing that his non has called and wishes to see him," and the landlady, surprised, not knowing that this solitary, silect man who passes in and out from his lonely and obscule lodgings in her apartments, says to him, "Are you his son!" The answer was, "Yes," She then suggests that a note should be left, as she is not accustomed to see Mr. Walworth when he comes in and passes out of his lodgings. The young man sits down and writes this letter, which, if it was intended to bring about any amenable sottlement, is very curt, and bears nothing on res face to indicate such attention.

"I want to try and settle some family matters. Call at to try and settle some hour or two.
"F. H. WALWORTH."

Next he appears at the hotel, where he fluds a friend and acquaintance with whom he indulges in conversation. He eats his dinner, and subsequently gets his supper with his friend, but where he is during the rest of the evening the evidence does not disclose. It appears, however, that Mr. Walworth, the father, was seen out as late as It o'clock on Monday night, from which it would follow that it was after it o'clock that he returned to his lodgings and found his son's note. Of course it was then too late to answer it, and he could not then accept the invitation to call. You will hear in mind that this note was the first direct communication which this unhappy man had received from his unhappy family since their separation; the very first; and I tell you, gentlemen, that there seems to be no justifiable reason to believe that he received it in any other frame of mind than a happy one, looking nosh it as a harbinger of peace between himself and his family, if having some interview with his children, his family, or having some interview with his children, had least. With thus—the lifts epportunity which had his family, or having some interview with his children, at least. With this—the first opportunity which had been extended to him—in view, he went to the hotel at an early hour, in order that he might be sure and see his son, who might possibly leave, he feared, on a morning train. How differently did these two parties prepare themselfless for that meeting! This good and gentle boy prepares himself for his interview only by arming himself with a pistol, which he did not habitually carry, dis father, with all his volent threatenings and who the commet have said invariably carried a loaded pistol, prepares lamself for that interview by taking with him no weapon, earrying only in his bosom the letter in which the invitation to the interview was extended. He left his pistol in his room, and no recollection entered that he would need to use it against his eldest boy, and he came there that morning weaponless and penniless. For an you will renember, not one cent was found on his person. He goes to the hotel, asks for his son, and he has been described to you as having run like a demon upon that son. Not at all. He sends up his name as he would to the most dignified stranger. His card is handed to the hell-boy who takes it to the prisoner. The latter tells the boy that he is not dressed yet. The boy goes down stairs and tells the father that his son will be dressed in a moment. If there was any apprehension to be entertained from his father, way did he not meet him in the office of the hotel, where he could have had opportunity enough for private conversation and yot would have been within the reach and observation of others, which would have rendered him safe from any injury?

THE CRIME AND THE WITNESSES.

Not at all; no apprehension. It is impossible. He recognized the bell-man. The bell-man goes up states, knocks at the door, and, when he opens the door, unds him dressed completely, with his hat and coat on, ready instantly to go out. Now, gentlemen of the jury, the actors in this fatal scene have both arrived on the ground; they have met, and that door which never opens upon both of them egain in life, is shut; and after the Intal shots are fired the son rushes from the room, and the father lies dying upon the floor. What occurred and the father lies dying upon the floor. What occurred during that period and in that dreadful interview? We have the statements of one of the actors; we have the have the statements of one of the actors; we have the recollection, so far as it relates to that dreadful deed, of the two persons who were nearest to the scene of the traggody—the occupant of the room on the other; but there was another party to that seeds, and where is his account of it? Shall I say to the crier of this Court: "Crier, call Mansfeld T. Walworth as a witness in this case, that he may tell to the Court his story of that fatal room?" On, gentlemen, he may tall, and call again, but from that shattered jaw, that pierced heart no answer shall ever come from this side of the grave, and he shall the execution of the private, contribute, as here
of the private o

the corner, and his feet stretched toward the door, and with four wounds in his body. WHAT THE WOUNDS INDICATE. Now, centlemen, passing for a moment to the consid-

eration of the medical testimony with regard to these wounds, you will find bearing also in mind the statement of the young man that when he fired the last shot his of the young man that when he fired the last shot his father was close upon and closing rapidly upon him; that first in the order in which they are described by the physicians, although not probable, even if pessible, as it seems to me, in the order of their reception, there was a wound upon the outside of the left arm, shaitering the arm by a continuous fracture; and the direction of the room was at right angles to the inner side of the arm; then there was a wound on the light side of the face close to the lower border of the inner side of the face close to the lower border of the right jaw; the edges of this wound were blackoned with powder, and the skin of the wound was for a distance of two inches blackened by and filled with powder, and a probe introduced into this wound passed on a straight line a distance for four inches; the lower jaw was broken at the neck, and the other jaw fractured by was broken at the neck, and one on the left side, and a probe introduced in this wound passed downward and backward and toward the right side. Now, gentlemen, you will bear in mind, also, that the deceased has been described to you as a large, powerful man, 5 feet 11 inches in hight, and the prisoner boing of the size you see him, how could that wound have been inflicted in the chest it passing downward and backward—unless the prisoner had been above him when he received the wound, in order that the ball should have taken that downward direction? The last wound the prisoner received must have manifestly been the wound in the jaw, because that was the one which was blackened by powder, and must have been received at the time the prisoner must have been received at the lime the prisoner received must have been the wound received on the outside of the office arm, passing toward the right, and then you find another wound passing in the other fraction, so that the prisoner who inflicted it must have been to some extent above the body of the deceased in order to have inflicted it must have been to some of that fatal problem father was close upon and closing rapidly upon him; that first in the order in which they are described by the for escape, and with the natural and desperate effort of a man in his condition and under these direumstances, he rushes toward the door and toward his son, who stands between him and it. Thus the man receives the two other shets, as he is endeavering to escape by going by his side or from one side to the other; and in the extremity of his desperation he receives the shot in the law, and at last exhausted sinks upon the floor; and with a fow silent, convulsive heart-beats, that irregular, unbappy, broken-hearted father died with no assurance of reconciliation; for in the testimony from one end to the other, nathing can be gleaned which would import that any attempt had been made to effect any reconciliation; the words which Mr. Eibht heard, followed by the "I promise" from the father at the mouth of a pistol; the tather called a har by the son, the shots discharged, and the end of the tragedy is over. Oh, but we pistol; the inflier called a nar by the son, the souls dis-charged, and the end of the tragedy is over. Oh, but we are told, "there was a look upon his face when he made his promise which implied centering and the reverse of his intention to keep this premise." In the name of Heaven, gentlemen, has it come to this, that man are to his intention to keep his premise." In the name of Heaven, gentlemen, has it come to this, that mon are to be shot down for a look, and for a contemptions expression are to be made the victims of an assassin! But dreadful as this crime was, it seems to me that there was a vein of humor running through that sadescene which might well have excited a little contempt. That a father, in the prime of his manhood and to the full flush of his fame, should have been compelled by the son, whom he had forgotien, at the month of a pixtle, to make a promise like that the son demanded, might well have brought across that father's face a flitting expression of the contempt any man must have felt for the whole scene. Has it come to this, that I am to be bearded by my only son in this way, and at the mouth of a loaded revolver be compelled to make any promise the may choose to exact!

THE PRISONER'S STORT WITH COMMENTARY. The only other element that has been introduced into that scene is the one introduced by the prisoner himsoif; and he introduces it in this way, and it is as care fully worded as any other part of this remarkable document: "I asked him to sit down. He did so, and I spoke to him of his conduct." And then the words him and said, 'Promise that you will neither shoot my mother, nor inspit any of her entire family any further.' Oh, it was not enough to extort a promise from him not to commit any personal violence. any further.'" Oh, it was not enough to extort a promise from him not to commit any personal violence, but this boy was compelling his father not to insult any of her family any more! "He then said, 'I promise,' but there was a look upon his face which implied contempt and the reverse of his intention to heep the promise. He had just before put his hand up to his breast as if to pull a pistol out." Just before when I Why, his before he had promised. Did he pull out the pistol that he made the least attempt to do it! There is no precense whatever that he thought he saw a pistol, but he said his father put his hand to his breast as if to draw out a pistol.

and for which his hand went to his breast in the increat gesture, which his son seems to have inherited, in order to ask what was the object of that interview. Well, what does this prisoner do next! One would suppose, gentienen of the jury, that under ordinary circum-stances, as a question of self-defense, in being the author of a sudden and regretted accident in the death of his father, the prisoner would have expressed some sorrow and some regret, and that some expression would have fallen from him which indicated that it was an event that he had not anticipated, and that he had not foreseen. Ah, contienned have retireded of that passage in the intervarecret, and that some expressed would have fallen from him which indicated that it was an event that he had not anticipated, and that he had not forcesen. Ah, gentleman, I was reminded of that passage in the letters of this unhapyy man in which he spoke of his gift of second-sight, which forewarned him of events which were to come. Oh, that was another delusion of his heart—but he believed or professed that he believed, that he had sprung from that him of Sectits Kings, among whom Malcolm was gifted with that power of forewarning thoughts which shadowed forth the events that were to come. Oh, that detailing that interview! It may have been as my learned friend (Mr. Beach) when he opened this case to you said, an act of Providence. It was indeed that Providence without whose supervision not a sparrow falls to the ground, and it may have been, so far as this unhappy man was concerned, the greatest blessing of his life to-day that he is in the other world, and his heart free from bursting with unregulated passion, but with all his heart fire from bursting with unregulated passion, but with all his heart free from bursting with unregulated passion, but with all his heart free from bursting with unregulated passion, but with all his heart free from bursting with unregulated passion, but with all his heart free from bursting with unregulated passion, but with all his heart free from bursting with unregulated passion, but with all his principose and with all his heart in this thing had been wholly unexpected, and that father slept in death what does the son do I Dogs he go down and notify to his friends and acquaintances the deed, and express the horror which would naturally have sprung unbidden from his heart if this thing had been wholly unexpected, and say, "Almight God I have shot my father; what shall do?" Nay; and although Mr. Barrett, the elerk of the hotel, was somewhat agitated and his statement is to be taken with some degree of allowance, yet his evidence tends to show conditions for the hotel, was somewhat

another interview between the prisoner, the Geroner, and the sergeant, in which he tells his name and residence, and being saked why he left Saratoga, he said: "I came to do expressly what I have done." Shocked and appalled by the statement, the Coroner says: "What, come to kill your father—what, to kill your father!" The prisoner, then thinking of the effect of such a statement as it came from the Coroner's ips, said: "Well, to settle those family difficulties."

THE " PANILY DIFFICULTIES" SETTLED.

Well, gestlemen, so far as the relations between the

question bereafter in this community about the division

of that property : there shall be no question about the

question bereafter in this community about the division of that property; there shall be no question about the custody of the children; and there shall be no question as to when and where and how the fither shall visit his offspring, or whether he shall be obliged to see them in a lawyer's office, in the presence of an uncle and a brother, to whom he must have been equally hostile. No such questions as these shall rend his bouscheld any more, for the obnoxious man whom his family biame for all this trouble has been laid quietly to rest in his grave, and the grass shall grow over his family and he shall disturb his family no longer. Well, the demons and the ban dogs of the law secured to have commenced their drugs, and the first demon and ban dog, as my friend 'Mr. O'Conor' chose to call him, the Curoner, began the discharge of his duty, and four days afterward the impacts is held, and this young man attends it, accompanied by his zealous, experienced, indefatigable, and enthusiastic counsel; and if there were a gentleman occupying my place today cifted with half the power the learned counsel manifested in the presentation of this case to you, there might be a picture drawn of this tragedy which would appal every mind. In that inquest he was attended by his counsel, and there, after the fullest and calmest deliberation, the prisoner made a statement with regard to this transaction which has already been read in your hearing, and which for the first time attenues to introduce, as an element of provocation for this deed, that just before he fired the fatal shots his father had put his lead to his breast as if to draw out a pistol; and that is, feutlemen of the jury, absolutely and entirely everything that he said in this statement which his the least shadow of evidence upon which the wildest imagination of the countission of the deed. It had entirely everything that he said in this statement which has been said to you about the character of this deceased man and his acts toward his family, but there has been rend this young man's crime, when he committed a see-which, like the knell that summoned Duncan, sent his father to an untimely grave, and which the whole power of this State would not have been justified in committing. In the outset of this defense by the tearned counsel we were told that this decoased man was a demon, an ingrate, an infuriated wild beast, and not a human being, whose duty and whose right it was for every man to slay whenever he was found. Yet in almost the very next breath we are told that these outbursts of his nature only showed him to have possessed a mind diseased; not do we may judge that so far from being one we should have execrated, and whom his son was justified in killing, he was one of those upon whom all nations of the earth are ancestomed to look with pity, with sorrow, and with infinite tenderness, because they regard them a stricken by the hands of the Almighty. The prisoner's counsel have foreshadowed self-defense, and there is no self-defense made. Insanity is foreshadowed and there is no proof of insanity advanced. The learned counsel said to you in his address that his young man was unconscious of the entire transaction, but at the same time he gravely told you, and that sugressiva did seem to me to convey the truth of what fell from his lips somewhere else, that he had to do a great many things in this case that he had never done in any other, because he had been driven into a corner. He auggested to you and said, Oh! but there are four shorts that were fired, and we do not know which was the fatal shot nor the order in which they were delivered, and the young man says that he is unconscious of firing mora that three shots; and therefore you are to believe that he did not know when he delivered the other shot, and he ought, heree, to be acquitted. My dod! gantlemen, if it did not know when he delivered the other shot, and he ought, hence, to be acquitted. My God' gandemen, if it were possible that this young man, however dire in his purpose, however deep his intent may have been, could have recollected the exact time of every shot that he fired at his poor lather then he must indeed have been something more than mortal. What wonder is it that he could not remember, and cannot remember, exactly what transpired! If there was any doubt in his mind as to whether he fired three shots or four shois, it there any doubt in his mind to-day teat he fired the shot which killed has fathers! Nay, for in the very next breath he says that he shot him, and that he must have killed him, because he was close to him when he fired the last shot.

Well, then, there is another impossible and astorned ing proposition which his counsel have urged, and that is, Why should you convict this young man and pronounce that judgment upon him which the fact demands from your sworn lips. Why, says the learned counsel from your sworn lips. Why, says the learned counsel, the fair fame of this Stale has never been suffied by the triaiof a criminal for slaying his porcent, and you, centermen, you are told that if you find a verdict of guilty in this case, upon your heads will rest the infamy of having established that precedent. I did suppose, until the contrary instructions fell from the lips of this venerable teacher of the law, that jurors are not responsible for precedents, but that their duty consisted in simply pronouncing a indement of conviction or acquittal for the crime with which a prisoner may be charged, which is required of them by the seleunity of their oaths. Now, again, as to this proposition of self-defense. There is nothing clearer in the law than that where one provokes an encounter with another whom he knows to be hostile, or has reason, to believe the encounter will result in violence, be himself being the Aggressor, he cannot plead justificaprecience while her had been given as a pisto, our site of any out a pistol.

Now, gentlemen of the jury in connection with this statement I was strock with a singular circumstance that has econgred during the progress of the trial. I do not know whether it attracted your attention or not, but it would have furmshed as complete a pretense for any one of you jurors, when you entered that box, to have drawn a pistol and shot the prisoner as he had for shooting his father; for every time a juror was sworn be raised himself and his hand west to his breast in precisely that way (indicating), and the defense would have been just as strong if any one of you gentlemen had shot thin, and your counsel would have urged and urged that even the jury who were sworn to try the case were threatened by the young man who killed his father. That would have been the same condition of affairs. Why, what was it that his father had his breast poket! Was it not the letter his son sent to him appointing that interview, well.

What we want is, that this case shall be tried in all letter his son seems to have inherited, in order to the beginning to the end, sny such reasonable doubt. interview. The interview was sought by the son aim by the son aione. He sought it the day before, and in the morning when the father comes in response to his invitation the interview might have been postponed altogether or have taken place in the vestibule or other part of the hotel where they were subject to public observation and scrutiny. Oh! gentlemen, I do not want to soil the fair fame of this State by a conviction of the son for the murder of his father. I do not want to do it None of these demons or ban does of the law want to do it. What we want is, that this case shall be tried in all impartmilty and fairness; but what I adjure you most solemnly is, that if there be anything in this case from the beginning to the end, any such reasonable doubt ereated in your minds as to this young min's guilt, give him the benefit of it. Give him, I say, the benefit of it. He is ontified to it under the law and by the sympathies of my mind and yours. It must be, however, a reasonable doubt arising upon the evidence fairly as a matter of proof, not a speculation that this thing may have been or that the other thing were possible, but a reasonable doubt that the other thing were possible, but a reasonable doubt that the other thing were possible, but a reasonable doubt the right of the day of the the sympathies of my mind and yours. It must be, however, a reasonable doubt arising upon the evidence fairly as a matter of proof, not a speculation that this thing may have been or that the other thing were possible, but a reasonable doubt arising from the evidence; and if you do not find the least reasonable doubt, gentlemen, and after a careful and dispassionate scrutiny of the evidence you find nowhere in this case that reasonable doubt of which you can give him the benefit, but find on the other hand all the testimony in this case points unerringly to the gonclusion of his gailt, then what are you to do! Why, gentlemen, there is not a case of this kind that comes to the bar of this court that is not loaded with appeals to our sympathies and to our sorrow for those who are afficied. "We weep with those who weep," and we cannot help it. We would be less than men if we were not to do it; but, gentlemen, there is a circumstance registered not only here, but registered on high, and it is that oath which you have taken and which makes you the solema sworn ministers of justice. You are compalled to discharge your duty as your judgment and your reason dictates it to you upon the law and upon the testimony, and from that duty you can never except. You sit there as the protectors of your brother's keeper!" because by the decree of Providence and by the fortunes of your life you are say placed that you write sworn to declare it. You cannot say, "Am I my brother's keeper!" because by the decree of Providence and by the love upon the earth, and if he is siain by crime you are sworn to declare it. You cannot say, criminal violence and you shall fail to declare it, that blood shall cry aloud against you write you are each one of you your brother's keeper, and if his blood be split by criminal violence and you shall fail to declare it, that blood shall cry aloud against you write you are each one of you your brother's keeper, and if his blood which shall be summouned up scatnaty you. It cannot forbear to adjure you to di

effect the death of the person killed, or of any human

Thus stood the statute on the 29th of May. that day, as I have already stated, the Legislature enacted another, and, as it seems to me, and therefore, I feel constrained so to instruct you, a very materially different statute in some important respects. They altered the statute on the first subdivision, which I read to you, so that instead of feading "when perpetrated from a premeditated design to effect the death of the husband, father and son were concerned, he certainly did settle their family difficulties. There shall be no person killed," if now reads, " when perpetrated from a delinerate and premeditated design to effect death."

DELIBERATE AS WELL AS PREMEDITATED. The elementary books in England, from which we derive our laws on this subject chiefly or did before the enactment of statutes in this quintry, speak of intentional murder as deliberate murder. They seem to regard the presence of malice—actual malice—included in the inthat it must have been held that the Legislature is using the word "deliberate," in connection with this section, intended to use it as it had been used in law by writers on homicide for many years; but I think it was not their ntention, and the intention as justly deducable from this statute, may be I think found elucidated by this provision contained in the statute, in relation to the second degree of marder.

In addition to the change I have just called attention to, the Legislature transposed, or transferred, more properly speaking, the crime of murder, as to what formerly stood in the second degree, into the first degree Murder in the second degree, under the former statute, was the killing by a person engaged in the commission of any felony, without a design to effect death. Legislature, by the new act, have made that offenso murder in the first degree, placing it as the third subdivision of the defluitions of murder in the first degree. They have then proceeded to create a new second degree of murder, one altogether new when compared with the statute which they changed. The prito my mind, very manifestly to have been, by the croation of this second degree of murder, to intensify and nake more plain the intention in the use of the words in the first subdivision of murder in the first degree. The words, as I have already stated, are "from a delib erate and premeditated design." It might have been open to hold that an intentional murder from actual nalice was justly within these words, if there was not some other expression in the statute which would preclude the Court from adopting that view of the effect of the law; and increating the second degree the Legislature has therefore said: "Such killing, unless it be marder in the first degree, or manslaughter, or excusable or instifiable homicide, as hereinafter provided, shall be murder in the second degree when perpetrated forentionally, but without deliberation and premeditation."

INTENTION WILL NOT SUFFICE. The effect of that judgment on my mind is that it beomes the duty of the Court to instruct you that the deiberation and premeditation required to constitute murthe actual presence of an intention formed at the in stant of the striking of the blow or firing of the bullet. It is essential that it should appear in a case where the offense charged is murder in the first degree, under talk statute, that there was some actual predemberation and premeditation, operating on and upon the mind of the secused, in respect to the subject matter of the offense, before the actual occurrence of the act which is alleged to be done. This may perhaps be illustrated by the case, the supposed case, of poisoning, where a party procures the as it may be, causes its administration, or administers In such a case the various steps prearranging th result may, with great propriety, be found by the jury, to indicate the deliberate and premeditated design required by this statute. And so, when the offense is ing of one's self, toading of the gun, the going to the place, the lying in wait, the seeking of the interview and the various steps through prearrangement of the prisoner's mind, that are taken with a view, in the judgment of the jury, to the accomplishment of his end, would all, very property, fall within this first proion of the statute, if satisfactorily shown.

Now, you will observe, that in the language of this statute, deliberation and premeditated design are of necessity always left open as questions of fact to the consideration of the jury. The Court has no power or right to decide as a question of law, in a case of this kind, what does or does not constitute deliberation or premeditation. The facts upon which it is claimed to exist are to be left altogether to the plain common sense of 12 intelligent jurers. But you will readily see that in the application of this rule to any given case, the jurors are called upon to exercise their knowledge of human nature in various diverse developments and characterisof being such in another. One man might requi more timesto carry through a process, either of reasoning or of resolution, bringing his mind to a determination to destroy life, then another man under the same circummentally. Some men reason rapidly, require but little time to deliberate and resolve; others slowly, requiring more time; and under this statute, it being only required that is be satisfactorily abown to the jury that the set was a deliberate and premeditated one, it is only necessary that the jury should see that under the given characteristics and circumstances of a particular case a particular individual did, in his mind, go through a process of deliberation and premeditation reaching to the inten-tion, the intention growing from that process which the statute requires; and, as I said before, one man may do this with rapidity, requiring only a moment to pass through the entire process, while another man, under the same circumstances, upon the same facts, would act slowly and with greater precaution.

THE CONTESTED QUESTION OF MOTIVE.

In this case, it being, as I shall now presume, understood by you that, before the prisoner can be convicted of murder in the first degree, you must be satisfied that his alleged offense was committed with the deliberation and premeditation required by the statute, as I have explained; the people claim that that state of facts, complying with the requirements of the statute, does

explained; the people claim that that state of facts, couplying with the requirements of the statute, does exist. I shall very briefly call your attention to the grounds on which they claim that the case is established as far as relates to this exact point of premeditation and deliberation, and to the facts on the part of the defense upon which it is claimed, as I understand, that the offense, if committed at all, so as to be a violation of the statute, is not within the first provision, creating furder in the first degree.

In the first place, it is claimed by the people that motive, which is the impulsive condition of things that sets the mind in motion toward the contemplation and consummation of crime, existed in this case; and it is claimed substantially that that fact is shown by the fact that the father of the prisoner, who had been estranged from him and from all his family for a series of years, was a man whose volent and bad conduct both toward the prisoner and his mother and, in short, toward the whole of his family and its circle of relations, was so bad, so outrageous, as to lead to the contemplation of such an offense as has been committed. In a crime like this, one of the first inquiries, ordinarily, is, with the jury, whether motive exists, and if the party accused has suffered violence or been threatened with violence, reflected injuries or before the party accused has suffered violence or been threatened with violence, reflected injuries, or believed himself to be restling under a condition of things from which the jury may see the thought of relieving himself by the commission of crime; but the jury are to look into the condition of things, with a view of seeing whether it furnishes evidence of the existence of motive. The People claim that because through a sories of years these outrageous lotters had been written, these violent threats made persistently varying through a long course of things and the exposures through these assisted by letter or by worse means, should terminate, and that, w

WRONGS AT THE FATHER'S HANDS. First, is then open this question of motive. We know enough of human nature to know that great crimes are seldom committed without some motive adequate to operate upon and control the mind of the party by whom they are committed. As when a man, as stated in the

they are committed. As when a man, as stated in the opening by one of the counsel, has been by a seducer deprived of his domestic rights by ravishment of wife or child, and he feels the consequences of that terrible blow struck at him by friend or enemy, if he is subsequently the destroyer of the person's tife, who, in his judgment, has been guilty of the offense, the jary can have intil doubt as to the presence of motive. So, in this case, the people claim that because the father had virtually abandoned relationship and severed the ties that bound him to the prisoner, had heaped on the wife great violence and abuse, and persistently followed for a period of time with these gress, outrageous letters, you will be able to find motive for his alloged subsequent conduct, Starting from that point, and determining whether or not the motive as adequate, you are, of course, to go still further in order to determine the silected premediation and deliberation. Now, it is insisted on the part of the Poople, that subsequently to the invitation to go to furpoe, which the uncle communicated to the mother early in the last week of this, i believe, and by her on Thursday of that the week of this, i believe, and by her on Thursday of the tast week to the prisoner, on Saturday.

Bey Twelftu Page.

SUMMER LEISURE.

THE SEASON AT NARRAGANSETT PIER. HOTELS AND THEIR OCCUPANTS GUESTS PRESENT AND EXPRETED-A LACK OF BEAUTIFUL DRIVES-COTTAGES NOT YET NUMEROUS.

OM THE SPECIAL CORRESPONDENT OF THE TRIBUNE ! NARRAGANSETT PIER, R. I., June 26 .- It is said that the Narraganeott Pier, during its short exist ence as a watering-place, has drawn away many of New port's former patrons. They were wise to their choice, If they desired to lodge close by the ocean, where they could see it, inhale it, and bathe in it without a wear; rample through the dust. The long row of white and brown hotels hug the shore, the steamboat pier at one end, and the bathing beach at the other. They look out straight over the ocean. Point Judith streighing out to the left and Newport to the right. premeditation. Some embarrassment, therefore, must front the surf comes tambling in with the bave arisen in considering this statute, from the fact angry roar which so charms a lover of the sea. Nearly all the hotels have broad lawns, with only a narrow his of roadway separating them from the rocks. Newport in but one thing. There may be very for but one real bathing beach, and that one, it is claimed, is here. Having a beach with no undertow, no gully, no weeds, not too deep nor too shallow, a velvet flooring and the best kind of a surf, it leaves nothing to b desired. The season here does not commence until about the

first of July, but the guests all come together and go away in a body. All the hotels have half their rooms engaged already, and one confesses to having no spars room. So the season will doubtless be a prosperous one to the inn-keepers. The place, beside its usual patrons from the Atlantic cities, is attracting many persons from the West. This may be due to the greater freedom from restraint here. Mrs. Grundy goes to Newport, and so sociability and jollity are here the rule. Dancing, music, bathing, and fishing are enough up the measure. There are about 15 hotels in all, most of which are now open. The Mt. Hope House, nearest to the steambout landing. opened yesterday. A large addition has been made since last season, beside the usual refitting. About twothirds of the rooms are already ongaged for the -cason among the exposted guests are J. P. March and family, H. E. Wood and family, and E. M. Brown and family of New-York, Watter Cox of Washington, W. F. Jones, jr., of Philadelphia, A. C. Neave and family, W. P. Ander son and family, and T. J. Huntington of Cincinnati, A. B. Barrett, and Miss R. Carman o' St. Louis, and C. O Godfrey of Hannibal, Mo. Mrs. George P. Bowlen of Cincinnati is already there. Next in the row is the Con-tinental, opened on June 23. This has been improved and has now some 70 rooms engaged. L. S. Dufats and fataly, Miss E. M. Crosby, Mrs. Judge Randall, P. A. Ruodes New-York, S. M. Fellows of Brooklyn, R. M. Clark, H. T. Blodgett and George D. Oxenhart of Boston; C. W. Littell, Theodore Weight, M. P. Henry, and Mrs. George Earp of Philadelphia; John B. Morris and Mrs. F. L. Murdouh of Baltimore are coming here. Mrs. H. C. Early and Miss H. R. Early of Baltimore have already arrived. The Atweed Hanse will open July I. During the Spring a large new dining room was added to the hotel. More than half the rooms are engaged for the season. Among those who will stop at this house are William R. Thurston, S. W. Lapsley, P. A. Porter, Charles Collins, and J. H. Osborn of New-York; Dr. J. W. Brinton, Prof. Stille, Mrs. Wm. P. Lyman, and Miss F. Paxson of Philadelphia. The Atlantic House opened June 19, with about all its good rooms engaged. Phillips and family, George Thompson, H. M. Duffield, Mrs. B. Smith, Mrs. N. D. Smith, and Dr. T. M. Chees man of New-York, Dr. H. H. Smith of Philadelphia Charles Wethered and wife and Dr. Charles W. Siearns and family of Balamere, Mrs. F. A. Baker of Boston, Mrs. N. Foster and Mrs. Thomas, Phillips of Cincinnals, will be here. C. J. Acton of Cincinnati has arrived. The committed in any other form, as by shooting or stat- | Matthewson House opened June 16, and has nearly all its rooms filled. Among those who will be at this botel are C. A. Arteer, Heary A. Oakley, Fellows Davis, and Henry Whitton of New-York; Henry W. Brown and John M. Thomas of Philadelphia, Thomas D. Conyugham of Wilkesburge, and Abraham Minis of Savannah. summer Flagg and family of Boston and Mrs. William M. Goodrich are stopping there now. The Narragausett House, the last in the row, opened last week, and is reported to be full, counting the engaged rooms. Mr. and Mrs. Lawrence Clark of New-York, J. C. Uraft and family of Boston, H. K. Dillon and wife of Philadelphia, are among its guests. Charles Hitchcock of New-York, and Mrs. E. H. Horner, Mrs. Henry Lapsley, C. F. White, and David Lowis of Philadelphia, are smong the ex pected guests.

"Theother hotels," most of them situated back of those mentioned above, also have their ractus mostly filled. At the Metatoxet House, Teuro Robertson and family of New-York are staying. This house seems to be much of a resert for quiet and grave minuters and professors. J. R. schayler and family of New-York are stopping at the Belevan House. E. Francis Riges and H. McKim of there, as well as Mrs. Ellen Clark and family of St Louis, P. H. Willard of Troy, Randolph Coyle of the destroy life, then another man under the same circumstances would require; for the human mind is not altogether according to any prescribed formula nor according to the following the fol Halted States and Mexican Claims Commission, and Col. S. O. Remai of Westinston. A number of officers from West Fount are also expected there. The Maxaon House, to be opened July 1, numbers among its coming patrons Wm. Lippnoots of Philadelphia, C. W. Lowther of New-York, George B. Petree and Ethan Flagg of Yonkers C. A. Brayton of the Cleveland Car Works, and J. B. Cates, M. J. McCreery, and E. L. Laokland of St. Louis. The Ocean House, Sea View House, and Works, and J. R. Cates, M. J. McCreery, and E. L. Laokland of St. Louis. The Ocean House, Sea View House are not to be opened this season. The Tower Hill House, situated upon Narraganestt Hights, about two miles from the pier, with which it is connected by a horse railroad, is the most modern hotel here. It opened on the 25th, with about half its accommodations engaged. It looks empty and forlorn just new, as none of his guests have vet arrived. It is patronized mostly by New-York and Philadelphia people. Taree hops each week will, help to entermin its guests.

In the beauty of its drives Narraganesti Pier Saffot compare with Newport. The road thave hever been properly mode, even if the sandy soil would allow it. The natural attractions of the sciency in some places corpopensite for this. The road through fosted Nock, a distance of it miles, gives a good view of the ocean, and hay. Another favorite ride is down to Fourt Judith. About six miles from the Pier is McSpania Hill, and many ride there for the sake of the view of the ocean, and also of the interior country. Flat Rock and Indian Rock, with which is connected the usual tradition of voinntary death by some forsaken couple, and Histand's Castle, the eccentric residence of an eccentric Englishman, are the check wonders that are shown.

Castle, the cocentric residence of an cocentric Englishman, are the chief wonders that are shown.

Cottages have not become a feature here. Gov. Sprague's immense and costly manishn is about two miles from here, almost hidden by trees. He strived last might. The Turkish Munister, Blueque Bey, has remed a cottage here, and has been nor about two weeks. Dr. T. A. Emmett of New-York is occupying Caswell's cottage. Dr. John G. Perry of New York was taken Wm. C. Clark's cottage, and will be here about the end of the month. Charles E. Boom of Providence is staying in a house of his own. Bishop I. M. Clark of Providence has taken one of Whaten's cottage, and Frank Breed of the same city, another. Other cottage residents are A. G. Augeli of Providence and C. H. Morreil of Patlacelphia.

-A CAMP-MEETING SUMMER RESORT.

THE SEA CLIFF SETTLEMENT-IMPROVEMENTS AND NEW BOULEVARDS-THREE CAMP-MEETINGS TO BE SOLD DURING THE SCHOLER.

FROM A SPECIAL CORRESPONDENT OF THE IMPUNE! SEA CLIFF, Long Island, June 30.—Methodist camp-meetings, which originated in a time when meet-ing-houses were few and large sections of country were without regular Sunday preaching, have been by the church as one of its regular institutions, though with modifications from time to time to sun new conditions of society. At first a few large tents were erected in a grave, which served as prayer meeting rooms by day, and, being fitted with curvas partitions, as sleeping-rooms at night. The public services were good ducted from a rudely erected plattering, and the people, seated on rough plants, and sheltered from the sun only by the overshadowing trees, listened to the sermon or the prayer. Cooked food was taken from home, and coffee and ten were made in camp style over an open fire built in the rear or the tent. Later, families provided themselves, each with a small tent; carpets and furniture were carried out from the city home; boarding tents were established, and camp-meetings became places of domestic comfort as well as of religious fervor. The social element became into mingled with the religious, and gradually the ouston sprang up of families that were intimate with one as other going out to the camp-ground a week or two before the time of beginning the meeting and remaining a week or two after its close. As the number of these increased, and the period of their stay lengthened, wooden tents took the place of canvas, and these in turn were supplanted by cottages affording a comfortable residence during the entire Sammer. The next step was a natural one; the camp meeting, continuing only a week or ten days, became a matter of secondary consideration, and, while nothing was admitted antagonistic to it, the places where they were to be held became essentially Summer resorts for Methodist families and for others who found such society congental. This was first carried out on a argo scale at Martna's Vineyard, where the gradual changes indicated above have all taxen place, and where there is now a permanent Summer settlement rivaling the other seaside resorts. The settlement at Ocean Grove, a short distance south of Long Branch,